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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

BROOKMEAD PARTNERS, LP, a Nevada limited partnership,

Plaintiff,

v.

Interinsurance Exchange Of The Automobile Club, a California business entity, Saracia L.P. Shannahan, and William P. Shannahan, Higgs, Fletcher & Mack, a California business entity,

Defendants.

HIGGS, FLETCHER & MACK, LLP,

Cross-Complainant,

v.

BROOKMEAD PARTNERS, LP, a Nevada limited partnership, SARACIA L.P. SHANNAHAN, and DOES 1-50, inclusive

Cross-Defendants.

Case No. 08 CV 659 JLS (WMc)

RESPONSE TO SARACIA L.P. SHANNAHAN'S EX PARTE APPLICATION FOR ENLARGEMENT OF TIME TO RESPOND TO COMPLAINT, CROSS-COMPLAINT-IN-INTERPLEADER, AND CROSS-CLAIM

Before the Honorable:
United States District Judge
Janis L. Sammartino

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Defendant and Cross-Complainant, HIGGS, FLETCHER & MACK LLP ("HF&M") does not object to Defendant and Cross-Defendant, SARACIA L.P. SHANNAHAN's ("Saracia") request for enlargement of time to ***answer*** the complaint, cross-complaint or cross-claim. In doing so, however, HF&M notes that Saracia's pending ex parte application for emergency relief is in substance, if not in form, a Rule 12 motion, and that the essential Rule 12 motion should be held in the context of a proper, noticed motion under that statute, rather than have the issue proceed in the context of the supposedly "emergency" motion presently pending before the Court.

Dated: July 31, 2008

HIGGS, FLETCHER & MACK LP

/s/ Michael R. Gibson

MICHAEL R. GIBSON, ESQ.
JOHN M. MORRIS, ESQ.
Appearing on behalf of Defendant and Cross-Complainant
HIGGS, FLETCHER & MACK, LP

JOHN M. MORRIS, ESQ. (Bar No. 116879)
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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

BROOKMEAD PARTNERS, LP, a Nevada limited partnership, Plaintiff, v. Interinsurance Exchange Of The Automobile Club, a California business entity, Saracia L.P. Shannahan, and William P. Shannahan, Defendants.	CASE NO. 08 CV 659 JLS (WMc) **PROOF OF SERVICE**
HIGGS, FLETCHER & MACK, LLP, Cross-Complainant, v. BROOKMEAD PARTNERS, LP, a Nevada limited partnership, SARACIA L.P. SHANNAHAN, and DOES 1-50, inclusive Cross-Defendants.	

I, Genie W. Jones, CCLS, declare:

I am a resident of the State of California and over the age of eighteen years, and not a party to the within-entitled action; my business address is 401 West "A" Street, Suite 2600, San Diego, California 92101-7913. On July 31, 2008, I served the within documents, with all exhibits (if any): **RESPONSE TO SARACIA L.P. SHANNAHAN'S EX PARTE**

APPLICATION FOR ENLARGEMENT OF TIME TO RESPOND TO COMPLAINT, CROSS-COMPLAINT-IN-INTERPLEADER, AND CROSS-CLAIM.

☒ I am familiar with the United States District Court, Southern District of California's practice for collecting and processing electronic filings. Under that practice, documents are electronically filed with the Court. The Court's CM/ECF system will generate a Notice of Electronic Filing (NEF) to the filing party, the assigned judge, and any registered uses in the case. The NEF will constitute service of the document. Registration as a CM/ECF user constitutes consent to electronic service through the Court's transmission facilities. Under said practice, the following CM/ECF users were served:

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I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on July 31, 2008, at San Diego, California.

Genie W. Jones, CCLS

HIGGS, FLETCHER & MACK LLP
ATTORNEYS AT LAW
SAN DIEGO